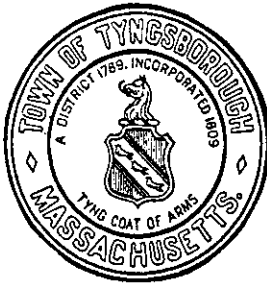


APPROVED



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from March 12, 2009

Members Present: Robb Kydd, Gary Ralls, Chris Mechalides, Joseph Polin and Cheryl Bradley.

Members Absent- Robert Jackson and Claire Cloutier

1st Hearing-

New Start Realty, LLC, 276 Middlesex Rd., Assessors Map 20, parcel 36, requesting special permit for change of the single family dwelling into two (3) bedroom residential rental units and revised the existing variance from June 1, 1999. Also, request for variance dated August 1, 1997 to be revised to accommodate the possibility of four office units and four bathrooms on the second floor and one bay of the detached garage. B-2 Zone. Sections 2.11.44, 2.11.30, and any other permit relief as may be required under zoning bylaw of the Town of Tyngsborough.

Legal notice read. Advertised in the Lowell Sun on Feb. 26 & March 5, 2009. Town Board notified. No challenges to the legal notice or abutter notification.

Application presented by Atty. Kevin Murphy and Assaad Maroun.

No abutters were present to speak for or against the application.

Discussion on the septic being adequate for the two family house. The septic design is going before the B.O.H.

Discussed that this fits in with the Master Plan.

Motion to close the public portion of the hearing by Gary Ralls. Seconded by Mechalides. Vote 5-0.

Motion to approve application as submitted with the following conditions by Gary Ralls, seconded by Joseph Polin. Vote 5-0.

Conditions- To rescind or void the special permit of 8/97 & 6/99 subject to approval of Town Counsel- Charles Zaroulis.

The granting of this variance is conditioned upon to rescind or void the Special Permit of 8/97 & 6/99 subject to approval of Town Counsel Charles Zaroulis. The Board received a response letter from Town Counsel dated March 23, 2009 and copy is attached to this decision. Atty. Charles Zaroulis suggest the applicant has requested to the Board to modify certain conditions imposed upon two previously approved special permits; and after hearing the Board finds that the Zoning By-Laws subsequently have been amended and that the conditions are not at present appropriate; therefore, The Board grants the request for modification as to the August 1, 1997, special permit conditions by **deleting the words**, "This second floor is to be used for office space only with a bathroom. This garage area will be used for storage of limousines only," and as to the June 1, 1999, special permit conditions, by **deleting the words**, " This special permit will be for his residence. He will build a second level. It will remain on the same footprint. The outside stairway will be removed. There will be no outside stairway to the second level. This house will remain a single-family dwelling. No in-law apartments are allowed."

Other Business-

Motion to approve minutes from December 4, 2008 by Chris Mechalides, seconded by Gary Ralls. Vote 4-0.

Motion to approve minutes from January 8, 2009 by Gary Ralls, seconded by Cheryl Bradley. Vote 5-0.

Motion to close the hearing by Chris Mechalides, seconded by Joseph Polin. Vote 5-0.